

CHRISTOPHER J. CHRISTIE
United States Attorney
SUSAN HANDLER-MENAHM
Assistant U.S. Attorney
970 Broad Street,
Newark, New Jersey 07102
(973) 645-2843
SHM7714

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ADAM FINKEL	:	Hon. MARY L. COOPER
Plaintiff,	:	Civil Action No.05-cv-05525
v.	:	
	:	NOTICE OF MOTION
UNITED STATES DEPARTMENT	:	
OF LABOR, OCCUPATIONAL	:	
SAFETY AND HEALTH	:	
ADMINISTRATION	:	
Defendants.	:	

TO: Peter Dickson, Esq.
Potter and Duickson
194 Nassau Street
Princeton, N.J. 08542

Please take notice that on November 6, 2002, at 10:00 a.m. or as soon thereafter as counsel may be heard, the defendants, by their attorney Christopher J. Christie, United States Attorney for the District of New Jersey, Susan Handler-Menahem, Assistant U.S. Attorney appearing, will move before the Honorable Mary L. Cooper, United States District Court, Clarkson S. Fisher Federal Building and U.S. Courthouse, 402 East State Street, Trenton, New Jersey, for an Order

dismissing the Occupational Safety and Health Administration for lack of jurisdiction and failure to state a claim on which relief may be granted pursuant to Rule 12(b) and granting summary judgment as to all defendants pursuant to Rule 56, Federal Rules of Civil Procedure.

In support of its motion, the defendants will rely upon the memorandum of law, the declarations of Bruce Beveridge, Richard Fairfax, Cathryn Goedert, Keith Motley, Kevin Ropp and Donald Wright and papers submitted herewith.

Pursuant to Local Rule 78, defendants request that the motion be heard on the papers and no appearances be required.

Respectfully submitted,

CHRISTOPHER J. CHRISTIE
United States Attorney

s/ Susan Handler-Menahem

By: SUSAN HANDLER-MENAHM
Assistant U.S. Attorney